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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/965,962

09/28/2001

Richard G. Rebb

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7590

08/11/2004

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EXAMINER

DINH, DUC Q

ART UNIT

PAPER NUMBER

2674

11

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,962

Applicant(s)

REBH, RICHARD G.

Examiner

DUC Q DINH

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-103 is/are pending in the application.
- 4a) Of the above claim(s) 74-103 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of claims 1-73 in the reply filed on May 28, 2004 is acknowledged. The traversal is on the ground(s) that the prior art cited to teach the limitations recited in the claims directed to Invention I can also be used against the claims of Invention II and III. This is not found persuasive because Inventions Groups I-III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Groups I-III has separate utility such as the invention of group I has separate utility such as the operator sensing feedback system does not control the power source for the display in Group II, does not utilize to support the housing for the display in Group III. See MPEP § 806.05(d).

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Brownell (U. S. Patent No. 5,565,739).

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In reference to claim 1 Brownell disclose a multi-segmented electroluminescent lamp comprising: an electroluminescent display 8; a motion sensor 2, controller 54 (Fig. 6b) connected with the display; in addition a control program is permanently stored within the internal ROM memory of microcontroller U5 and is executed from the beginning each time the microcontroller is turned on. The microcontroller is reset on each initial power up by capacitor C18 and resistor R15. The program within the ROM reads data stored in the EEPROM U6. The data within the EEPROM U6 provides information as to the illumination of the individual segments of lamp 56. Therefore, EEPROM U6 may be specifically programmed for a specific E.L. lamp 56 and changed with the lamp (Fig. 1, 6, col. 11, lines 10-20).

In reference to claim 2, discloses sensor 12 in Fig. 2.

In reference to claim 3-5, refer to the rejection applied to claim 1 for the instruction from the memory. In addition, as shown in FIG. 6, the programmable power supply of FIG. 6 includes a DC power supply 50, an inverter 52 and a controller 54 for driving an eight segment electroluminescent lamp 56 in a predetermined sequence for animation affect.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brownell (U. S. Patent No. 5,814,947) Blotky et al. (U. S. Patent No. 6,762,734), hereinafter Blotky.

In reference to claims 6-9, Brownell does not disclose the instructions for instructing the controller to illuminate the display in a first, second when the sensor senses or does not sense motion or display the third pattern when an interface switch is activated. Blotky disclose a method to display different patterns when the sensors idle (does not senses motion) or when an interface switch is activated (see Fig. 5. and Col. 4, lines 1-59).

It would have been obvious for one of ordinary skill in the art at the time of the invention was made to provide the teaching of Blotky, i.e.: method to display different patterns when the sensors or when an interface switch is activated, in the device of Brownell for selectively and dynamically showing a plurality of images to attract the attention of the customers use the products for advertising purposes (col. 1, lines 25-35).

6. Claims 10-14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brownell and Blotky Ladd (4,912,457).

In reference to claims 10, Brownell and Blotky does not discloses a speaker for broadcasting connecting to the controller and the memory comprising sounds in different patterns for the system. Ladd discloses a detector and message annunciator which detecting the presence of people and generating an audio message and/or video display directed to the person or persons whose presence is detected in Fig. 1 (col. 1, line 55 – col. 2 lines 27).

It would have been obvious for one of ordinary skill in the art at the time of the invention was made to provide the sound system of Ladd in the device of Brownell and Blotky for additionally informing customers of additionally the advantages or features of a particular product on display (col. 1, lines 6-10).

In reference to claims 11-14, Ladd discloses announcements are stored in voice recorder and reproduction circuit 25 by input from microphone 27 or line input 29 based upon the position of switch 31. The audio signal from line input 29 or microphone 27 is input to automatic gain control 33 which provides an audio output for storage in voice recorder and reproduction circuit 25 (col. 2, 9-21). Message recording is flexible and provides a variety of message recording modes. In particular, switch 22 and function selector circuit 23 provide seven message modes as follows. Up to four messages may be recorded in four separate channels. Message 1 is selected by placing switch 22 in position 1. Similarly, message 2, 3 or 4 is selected by placing switch 22 in position 2, 3 or 4, respectively. When in playback mode, the channel or channels which are played is determined by the position of switch 22... (col. 4, lines 6 – 41).

In reference to claim 20, Blotky discloses the manual switch 56 as claimed.

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brownell and Blotky in view of Rutledge (U. S. Patent No. 5,831,593).

In reference to claim 21, Brownell and Blotky does not discloses the input device is a wireless device. Rutledge disclose a remote control used as input device to control the computer system and a display device as shown in Fig. 1.

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It would have been obvious for one of ordinary skill in the art at the time of the invention was made to substitute the remote control of Rutledge for the manual switch 56 for the system of Brownell and Blotky as user's desired so that one can control the system in a distance.

8. Claims 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brownell and Blotky in view of Larussa (U. S. Patent No. 6,318,868).

In reference to claim 15, Brownell and Blotky does not disclose the aromatic unit communicating with the controller and the memory comprises aromatic instructions for emitting the aroma from the unit. Larussa discloses a display system equipped with a means for directing an odor towards the image display in Fig. 9-10.

It would have been obvious for one of ordinary skill in the art at the time of the invention was made to provide the means for directing the odor of Larussa in the device of Brownell and Blotky for providing a system not only utilizes the human audio and visual senses but also addresses the sense of smell because the human olfactory nerves provide inputs into the brain that are an important factor in determining whether an observer will accept or reject a three dimensional visual presentation as being real (col. 2, lines 51-60).

In reference to claims 16-19, Larussa discloses that it is also to be understood that computerized control system 344 may also be software driven and may, without user input, selectively show one product after another. Likewise, depending on the time of day or other factors, computerized control system 344 may direct the display of different products. For example, in the illustrated example of perfume bottles, the system may display informal, casual scents during the day, and more formal perfumes at night (col. 8, lines 24-36).

9. Claims 22-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brownell (U. S. Patent No. 5,814,947) Blotky et al. (U. S. Patent No. 6,762,734), hereinafter Blotky.

In reference to claim 22, Blotky discloses a display system comprises a electroluminescent display, motion sensor 2, controller 54 (Fig. 6b) connected with the display; in addition a control program is permanently stored within the internal ROM memory of microcontroller U5 and is executed from the beginning each time the microcontroller is turned on. The microcontroller is reset on each initial power up by capacitor C18 and resistor R15. The program within the ROM reads data stored in the EEPROM U6. The data within the EEPROM U6 provides information as to the illumination of the individual segments of lamp 56. Therefore, EEPROM U6 may be specifically programmed for a specific E.L. lamp 56 and changed with the lamp (Fig. 1, 6, col. 11, lines 10-20). Brownell does not disclose the instructions for instructing the controller to illuminate the display in a first, second when the sensor senses or does not sense motion or display the third pattern when an interface switch is activated. Blotky disclose a method to display different patterns when the sensors idle (does not senses motion) or when an interface switch is activated (see Fig. 5. and Col. 4, lines 1-59).

It would have been obvious for one of ordinary skill in the art at the time of the invention was made to provide the teaching of Blotky, i.e.: method to display different patterns when the sensors or when an interface switch is activated, in the device of Brownell for selectively and dynamically showing a plurality of images to attract the attention of the customers use the products for advertising purposes (col. 1, lines 25-35).

In reference to claims 23-29, refer to the rejection as applied to claims 2-9.

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In reference to claims 30-34, refer to the rejection as applied to claims 10-14.

In reference to claims 35-39, refer to the rejection as applied to claims 15-19.

In reference to claim 40-41, refer to the rejection as applied to claims 20-21.

Claims 42-69 are method claims corresponding to the apparatus of claims 1-41, and therefore, rejected based on the same basis set forth in said claims.

10. Claim 70 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brownell (U. S. Patent No. 5,814,947) Blotky et al. (U. S. Patent No. 6,762,734), hereinafter Blotky.

In reference to claims 70, Blotky discloses a display system comprises a electroluminescent display, motion sensor 2, controller 54 (Fig. 6b) connected with the display; in addition a control program is permanently stored within the internal ROM memory of microcontroller U5 and is executed from the beginning each time the microcontroller is turned on. The microcontroller is reset on each initial power up by capacitor C18 and resistor R15. The program within the ROM reads data stored in the EEPROM U6. The data within the EEPROM U6 provides information as to the illumination of the individual segments of lamp 56. Therefore, EEPROM U6 may be specifically programmed for a specific E.L. lamp 56 and changed with the lamp (Fig. 1, 6, col. 11, lines 10-20). In reference to claims 10, Brownell and Blotky does not discloses a speaker for broadcasting connecting to the controller and the memory comprising sounds in different patterns for the system. Ladd discloses a detector and message annunciator which detecting the presence of people and generating an audio message and/or video display

directed to the person or persons whose presence is detected in Fig. 1 (col. 1, line 55 – col. 2 lines 27).

It would have been obvious for one of ordinary skill in the art at the time of the invention was made to provide the sound system of Ladd in the device of Brownell and Blotky for additionally informing customers of additionally the advantages or features of a particular product on display (col. 1, lines 6-10).

11. Claim 71 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brownell and Blotky in view of Larussa (U. S. Patent No. 6,318,868).

In reference to claim 15, Brownell and Blotky does not disclose the aromatic unit communicating with the controller and the memory comprises aromatic instructions for emitting the aroma from the unit. Larussa discloses a display system equipped with a means for directing an odor towards the image display in Fig. 9-10.

It would have been obvious for one of ordinary skill in the art at the time of the invention was made to provide the means for directing the odor of Larussa in the device of Brownell and Blotky for providing a system not only utilizes the human audio and visual senses but also addresses the sense of smell (col. 2, lines 51-60).

In reference to claims 72-73, Blotky discloses switch 56 as claimed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DUC Q DINH** whose telephone number is **(703) 306-5412**. The examiner can normally be reached on Mon-Fri from 8:00.AM-4:00.PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **RICHARD A HJERPE** can be reached on **(703) 305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

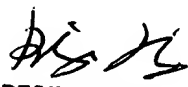
(703) 872-9314 (for Technology Center 2600 only)

Hand-delivery response should be brought to: Crystal Park II, 2121 Crystal Drive,
Arlington, Va Sixth Floor (Receptionist)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

DUC Q DINH
Examiner
Art Unit 2674

DQD
August 5, 2004


REGINA LIANG
PRIMARY EXAMINER